

Exhibit N

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED

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JOHN P. HOULIHAN, on behalf of himself
and all others similarly situated,

2004 JAN 21 A 10:04

Plaintiffs,

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

vs.

CASE NO. 3:03-cv-656-J-25TEM

JOHN F. ANDREWS, FRANK P.
MAGLIOCHETT, et al.,

Defendants.

ORDER

This case is before the Court on the Unopposed Motion of Defendant John F. Andrews for Enlargement of Time to Respond to Complaint in Light of Impending MDL Transfer (Doc. #67). As background, the Court previously extended the time to respond to the amended complaint on two separate occasions. See Docs. #34 & #54, Court Orders. As the motion for enlargement of time was filed as "unopposed," this matter is ripe for the Court's consideration.

Under Rule 6(b) of the Federal Rules of Civil Procedure, a court has discretion to enlarge time for filings for cause shown. The Court is in receipt of the conditional transfer order from the Multi-District Litigation Panel and acknowledges transfer of this action to the Southern District of Ohio is very likely. Because this complaint purports to raise a class action of a complex nature and an issue for consolidation with other similar cases is before the Judicial Panel on Multi-District Litigation, cause has been demonstrated to warrant an additional enlargement of time for Defendants to respond to the amended complaint. However, the Court is reluctant to leave a pleading deadline open-ended, as requested by

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Defendant John F. Andrews. The transfer of this case should be accomplished within the next sixty (60) days and such time should be more than ample to allow Defendants the opportunity to frame a response to the amended complaint.

Thus, upon due consideration it is hereby

ORDERED:

The Unopposed Motion of Defendant John F. Andrews for Enlargement of Time to Respond to Complaint in Light of Impending MDL Transfer (Doc. #67) is **GRANTED to the extent** no party shall be required to respond to the amended complaint until March 20, 2004.

DONE AND ORDERED at Jacksonville, Florida this 20th day of January, 2004.




THOMAS E. MORRIS
United States Magistrate Judge

 Copies:
All Counsel of Record

F I L E C O P Y

Date Printed: 01/21/2004

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